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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,381	09/15/2004	Yih-Shin Weng	22171-00021-US1	5380
30678	7590	11/27/2006	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP			RIZK, SAMIR WADIE	
P.O. BOX 2207			ART UNIT	
WILMINGTON, DE 19899-2207			PAPER NUMBER	

2133

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/711,381	Applicant(s) WENG ET AL.	
	Examiner Sam Rizk	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-6 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/27/2006</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- Response to the applicant's amendment dated 9/27/2006
- Claims 3 and 7-11 have been Cancelled
- Claims 1, 2, 4-6 and 12 have been submitted for examination
- Claims 1 and 4-6 are rejected
- Claim 2 is allowable
- Claim 12 is Objected to

### *Response to Arguments*

1. In regard to claim 1, Applicant's arguments see pages 4-9, filed on 9/27/2006 have been fully considered but they are not persuasive.
2. The Examiner disagrees with the applicant argument on page(s) 6-7 that Tuskihasi fails to disclose the timing of stopping recording. As the applicant miss quoted Tuskihasi teaching of stopping mechanism with the creation of frame synchronization signal to cease the encoding process. Tuskihasi teaches the timing of stopping recoding in col. 4, lines (46-62) as copied below (emphasis added):

"When the amount of data received by the interface 9 is under the capacity for data to be recorded onto the disk and the average data transfer rate of data input to the encoder 11 is slower than the average transfer rate of the recorded data output from the encoder 11, the amount of data stored in the buffer RAM 16 decreases.

When such a state continues, the amount of data stored in the buffer RAM 16 decreases. **When this amount falls to a predetermined value, the record decision unit 22 judges that the buffer RAM 16 is in a buffer under-run state and then determines to cease the recording operation.**

**When a command from the host equipment connected to the connection**

**terminal 10 instructs halting of the recording operation, the record decision unit 22 determines to cease recording.”**

The record decision unit 22 in Tuskihasi issues the stopping command based on the buffer under run condition and the encoder issues the synchronization signal to cease recording.

3. Same argument applies to the applicant second point on page 7, filed on 9/7/2006 that Tuskihasi clearly fails to disclose that stopping a recording operation after main data of the data block currently being recorded has been recorded.

The Examiner maintains that Tuskihasi teaches (note: col. 4, lines (46-62) the stopping is initiated by the record decision unit 21 based on input from the buffer RAM 16 under run condition (that what the application discloses as main data of the data block being recorded).

4. The Examiner also disagrees with the applicant point the Tuskihasi fails to disclose the step of restarting to encode and record from the beginning of the next data block of restarting the next data block and miss quoted the wrong part of Tuskihasi disclosure.

Tuskihasi teaches the step of restarting to encode in col. 6, lines (10-15) (emphasis added):

**“When the record decision unit 22 recognizes the beginning of recording, the record-start-position detection unit 23 detects the leading end of an unrecorded area continuous with the end of data recorded onto the disk before recording was halted.”**

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5. In summary the Examiner maintains that Tuskihasi record decision unit 22 is acting on the main data of the data block being recorded as disclosed by the applicant.
6. In regard to claim 2, the Applicant's arguments see pages 7-8, filed on 9/27/2006 have been fully considered and are persuasive. The rejection of claim 2 has been withdrawn.
7. Claims 4-6 are rejected as per the office action filed on 7/11/2006.

***Allowable Subject Matter***

8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

9. The prior Art of record and, in particular Tuskihasi teaches substantially all the limitations in claim 1.

However, the prior art do not teach, suggest, or otherwise render obvious the limitation in claim 2 of the instant application:

- The data recording method for an optical disk drive in accordance with claim 1, wherein the recording stops at the auxiliary data area.

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10. Claim 12 is allowed for the same reasons as per claim 3 in the office action filed on 7/11/2006.

### **Conclusion**

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571)-272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571)272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sam Rizk, MSEE, ABD

Examiner

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